

Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, CA 95126
Telephone: (408) 429-6506
Fax: (408) 369-0752
pgore@prattattorneys.com

Attorneys for Plaintiffs

[Additional counsel on signature page]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MARY SWEARINGEN and ROBERT FIGY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

ATTUNE FOODS, INC.

Defendant.

Case No. 4:13-CV-04541 SBA

**STIPULATION AND ORDER RE BRIEFING
AND HEARING SCHEDULE FOR
DEFENDANT'S MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Action Filed: September 30, 2013

Current hearing date: April 8, 2014

Requested hearing date: May 13, 2014

Plaintiffs Mary Swearingen and Robert Figy ("Plaintiffs"), and Defendant Attune Foods, Inc. ("Defendant"), hereby stipulate as follows:

WHEREAS, Plaintiffs filed their Amended Complaint ("Complaint") on January 29, 2014 (Dkt. 18);

WHEREAS, pursuant to the parties' Stipulation (Dkt. 24), Defendant filed its Motion to Dismiss the Complaint ("Motion") on March 4, 2014 (Dkt. 25);

WHEREAS, the Motion is scheduled for hearing on April 8, 2014;

WHEREAS pursuant to Northern District Local Rule 7-3, Plaintiffs' response to the Motion is due on March 18, 2014, and Defendant's reply is due on March 25, 2014;

1 WHEREAS, due to commitments in other cases, Plaintiffs' counsel requires additional time
2 to respond to the Motion;

3 WHEREAS, there has been only one extension of time previously granted in connection with
4 the Motion (Dkt. 24);

5 Subject to approval by the Court, the parties hereby stipulate as follows:

6 Plaintiffs' response to the Motion shall be due on April 11, 2014, and Defendant's reply shall
7 be due on April 25, 2014;

8 The hearing on the Motion shall be rescheduled to May 13, 2014.

9 Dated: March 17, 2014

/s/ Pierce Gore
Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, CA 95126
Telephone: (408) 429-6506
Fax: (408) 369-0752
pgore@prattattorneys.com

CLIFFORD LAW OFFICES, P.C.
Colin Harvey Dunn
chd@cliffordlaw.com
120 N. LaSalle Street, Suite 3100
Chicago, IL 60602
Telephone: 312.399.9090
Facsimile: 312.251.1160

Attorneys for Plaintiffs

19 Dated: March 17, 2014

/s/ John T. Burnite
John T. Burnite
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Ralph W. Robinson (SBN 51436)
ralph.robinson@wilsonelser.com
John T. Burnite (SBN 162223)
john.burnite@wilsonelser.com
525 Market Street, 17th Floor
San Francisco, California 94105-2725
Telephone: 415.433.0990
Facsimile: 415.434.1370
Attorneys for Defendant
ATN HOLDINGS, INC.
f/k/a Attune Foods, Inc.

Attorneys for Defendant

ATTESTATION

I, Pierce Gore, am the attorney whose ECF number is being used to file the STIPULATION AND [PROPOSED] ORDER RE BRIEFING AND HEARING SCHEDULE FOR DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT, and I have obtained the consent of all of the signatories thereto.

Dated: March 17, 2014


/s/ Pierce Gore
Pierce Gore

ORDER

Pursuant to the parties' Stipulation, and good cause appearing therefor,

IT IS SO ORDERED.

Dated: March 18, 2014


Hon. Sandra Brown Armstrong
United States District Judge